


Agenda Item #12



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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DATE: April 24, 2013
TO: Board Members
FROM: 
Marilyn Kimble
Enforcement Program Manager
SUBJECT: Enforcement Division Report

A. Consumer Protection Enforcement Initiative (CPEI)

Enforcement Performance Measures (PM) – The following eight performance measures were developed by the Department of Consumer Affairs (DCA) to determine the effectiveness of efforts to streamline enforcement processes, reduce backlogs, and achieve the overall goal to process complaints within 12-18 months.

PM 1: Volume – Number of complaints received.

PM 2: Intake Cycle Time – Average number of days to complete complaint intake.

PM 3: Intake & Investigation Cycle Time – Average number of days to complete closed cases not resulting in formal discipline.

PM 4: Formal Discipline Cycle Time – Average number of days to complete cases resulting in formal discipline.

PM 5: Efficiency (Cost) – Average cost of intake and investigation for complaints not resulting in formal discipline.

PM 6: Customer Satisfaction – Consumer satisfaction with the service received during the enforcement process.

PM 7: Probation Intake Cycle Time – Average number of days from the date a probation monitor is assigned to a probationer to the date the monitor makes first contact.

PM 8: Probation Violation Response Cycle Time – Average number of days from the time a violation is reported to a program to the time the assigned probation monitor responds.

The PM statistics are compiled by DCA. At this time the PM report for the third quarter (January – March 2013) is not yet available.

B. Regulatory Activity

Proposed Regulatory Action to Implement SB 539, Mandatory Reporting Requirements – At its November 9, 2012 Board Meeting, the Board approved proposed regulatory language amending sections 2520.5 and 2523.2 (VN); and sections 2577.6 and 2579.4 (PT) of the California Code of Regulations (CCR); directed staff to submit the rulemaking file to DCA and to the Office of Administrative Law (OAL)

for final approval; and authorized the Executive Officer to make non-substantive changes as are required by the Director of DCA and OAL.

The rulemaking file was submitted to DCA on April 15, 2013. Upon approval from DCA, the file will be forwarded to OAL for approval.

C. Enforcement Division Updates

Enforcement Division Vacancies – The following vacancies exist:

- 1 Staff Services Manager II
- 1 Supervising Special Investigator
- 2 Special Investigators
- 1 Staff Services Analyst

Overtime – On March 2, 2011, DCA announced that the Board could again approve overtime. Since that time Enforcement staff have been volunteering to work overtime in an effort to reduce backlogs. For Fiscal Year 10/11 (March 2 – June 30, 2011), staff worked 942 hours of overtime. They worked a total of 2,720.25 hours of overtime in FY 11/12 (July 1, 2011 – June 30, 2012). From July 1, 2012, through February 28, 2013, staff worked 2,596.25 overtime hours.

Enforcement Division General Statistics

Table #1 summarizes the Enforcement Division's volume over the past six fiscal years.

Table #1: Enforcement Volume	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13 Thru 3/31/13
Complaints Received (Licensees)	1,506	2,013	3,110	2,599	2,610	1,569
Complaints Received (Applicants)	1,401	1,573	2,041	2,461	3,035	1,933
Total Complaints Received	2,907	3,586	5,151	5,060	5,645	3,502
Complaints Pending – Desk	2,334	1,641	4,123	3,742	3,189	2,562
Complaints Pending – Field	0	0	0	0	656	926
<i>Field Complaints Pending with DOI¹</i>	299	365	242	164	141	97
Total Complaints Pending	2,633	3,006	4,365	3,906	3,845	3,585
Field Complaints Referred to DOI	190	140	113	111	92	0
Total Complaints Referred to DOI	190	140	113	111	92	0
Complaints Closed - Desk	2,451	3,020	3,616	5,407	5,464	3,829
<i>Licensees – Unsubstantiated/NOW*</i>	-	-	-	2,495	2,065	786
<i>Substantiated*</i>	-	-	-	643	485	728
<i>Applicants - Approved</i>	1,023	1,474	1,150	1,757	1,739	1,402
<i>Denied</i>	34	24	20	55	78	30
<i>Other*²</i>	-	-	-	457	1,097	883
Complaints Closed - Field	0	0	0	0	5	140
<i>Licensees – Unsubstantiated/NOW*</i>	-	-	-	-	4	89
<i>Substantiated*</i>	-	-	-	-	1	51
Complaints Closed - DOI	66	137	240	204	114	49
<i>Licensees – Unsubstantiated/NOW*</i>	-	-	-	111	31	23
<i>Substantiated*</i>	-	-	-	93	83	26
Total Complaints Closed	2,517	3,157	3,856	5,611	5,583	4,018
Total Cases Referred to AG's Office	326	226	221	339	412	244
Total Accusations Filed	203	183	166	168	251	151
Total Disciplinary Actions Completed	185	199	213	175	170	189
Total Statement of Issues Filed	31	32	18	57	82	50
Total Licenses Denied (Adjudicated)	5	9	10	7	17	11
*Started reporting data FY 2010/11 1. DOI = DCA Division of Investigation. 2. Other = pending exam, abandoned, referred to Attorney General's (AG) Office.						

Table #2 summarizes the Enforcement Division's processing times over the past six fiscal years.

Table #2: Enforcement Average Processing Times (In days)	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13 Thru 3/31/13
Complaint Processing¹						
Desk Investigations	154	176	212	295	283	231
Field Investigations	0	0	0	0	197	140
DOI Investigations ²	716	705	775	703	666	775
Average Days to Close Complaints³	191	199	247	310	291	234
Formal Discipline Processing						
Pre-Accusations ⁴	182	150	138	145	175	211
Post Accusations ⁵	336	423	434	275	191	237
Average Days to Complete Disciplinary Actions	518	573	572	420	366	448
Total Average Processing Time (Days)⁶	709	772	819	730	657	682
Total Average Processing Time (Years)	1.9	2.1	2.2	2.0	1.8	1.9
1. Desk, Field, and DOI: includes intake, investigation, determination of Board action, and preparation of informal action if applicable. 2. DOI = DCA Division of Investigation. 3. Prior to the 9/6/12 Board Meeting, Average Days to Close Complaints was calculated using an average of the three Complaint Processing categories. Beginning with the 9/6/12 Board Meeting, Average Days to Close Complaints was presented as weighted averages. (Weighted average is an average that takes into account the proportional relevance of each component, instead of treating each component equally.) 4. From date transmitted to the Attorney General's (AG) Office to date formal action filed. 5. From date formal action filed to conclusion of the disciplinary case. 6. Total = Average Days to Close Complaints + Average Days to Complete Disciplinary Actions.						